

Before the  
Federal Communications Commission  
Washington, D.C. 20554

ORIGINAL  
FILE

92-111

In re Applications of )  
 )  
DEAS COMMUNICATIONS, INC., et al. )  
 )  
For Construction Permit for a )  
New FM Station on Channel 240A )  
in Healdsburg, California )

MM Docket No. 90-187

RECEIVED

JAN - 4 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Hon. Edward J. Kuhlmann  
Administrative Law Judge

DIRECT CASE OF HEALDSBURG EMPIRE CORPORATION

Rosenman & Colin  
575 Madison Avenue  
New York, New York 10022

**INDEX TO EXHIBITS OF HEALDSBURG EMPIRE CORPORATION**

<b><u>Exhibit #</u></b>	<b><u>Sponsor</u></b>	<b><u>Subject</u></b>
Empire 1	Joanne Kilmartin	Structure
Empire 2	Joanne Kilmartin	Management
Empire 3	Joanne Kilmartin	Diversification
Empire 4	Joanne Kilmartin	Auxiliary Power

Federal Communications Commission

Docket No. 42-181 Exhibit No. Empire #1

Presented by \_\_\_\_\_

Disposition	{	Identification	<input checked="" type="checkbox"/>	<u>FCC.</u>
		Received	<input checked="" type="checkbox"/>	<u>92-11-985</u>
		Rejected	<input type="checkbox"/>	_____

Reporter lee

Date 10/1/92

**STRUCTURE**

Healdsburg Empire Corporation ("Empire") is a Delaware corporation with one class of stock (voting). Empire is owned by Empire Broadcasting Corporation (51%), Robert S. Kieve (28%), and Joanne S. Kilmartin (21%). Empire's officers and directors are:

Rodney J. Diridon - Director

Robert S. Kieve - President/Director

Joanne S. Kilmartin - Vice President/Director

Myron S. Lewis - Director

Vincent A. Lopopolo - Executive Vice President/Director

John McLeod - Vice President

John A. Palvino - Director

Joseph Zukin, Jr. - Director

**AFFIDAVIT OF JOANNE S. KILMARTIN**

STATE OF CALIFORNIA }  
COUNTY OF }

SS.:

Joanne S. Kilmartin, being duly sworn, deposes and says:

1. I have read the foregoing Empire Exhibit 1; it is true and correct to the best of my knowledge, information and belief.

*Joanne S. Kilmartin*  
Joanne S. Kilmartin

Subscribed and sworn  
to before me this

**L-PURPOSE ACKNOWLEDGMENT**

No. 8175

State of Calif  
County of Santa Clara

On 10-1-92 before me, Valerie W. Hewlett

NAME, TITLE OF OFFICER - E.G., JANE DOE, NOTARY PUBLIC

personally appeared Joanne S. Kilmartin

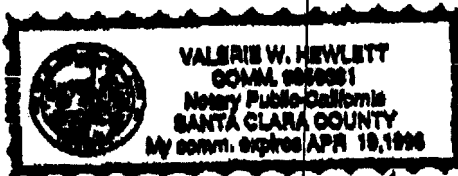
NAME(S) OF SIGNER(S)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**CAPACITY CLAIMED BY SIGNER**

- ☒ INDIVIDUAL  
☐ CORPORATE OFFICER(S) \_\_\_\_\_  
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(ES)



Witness my hand and official seal.

*Valerie W. Hewlett*  
SIGNATURE OF NOTARY

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document.

**THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:**

Title or Type of Document Affidavit  
Number of Pages 1 Date of Document \_\_\_\_\_  
Signer(s) Other than Named Above \_\_\_\_\_

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

Federal Communications Commission	
Docket No.	92-181 Exhibit Page 02
Presented by _____	
Disposition	Identified
	Received
	Rejected
Reporter <u>ac</u>	
Date <u>10/1/92</u>	

MANAGEMENT

Joanne S. Kilmartin will participate in the management of Healdsburg Empire Corporation's ("Empire") proposed Station on a full-time (at least 40 hours per week) basis as General Manager. Ms. Kilmartin will resign her position at Stations KLIV/KARA and curtail or abandon any other incursions on her time in order to effectuate Empire's proposal. Ms. Kilmartin will spread her time at the Station over at least a Monday - Friday workweek. As General Manager, Ms. Kilmartin will exercise general supervision and hold ultimate authority over all aspects of Station management and operation. She will oversee construction and regulatory compliance, hire and supervise the staff (including department heads), and deal with advertisers and their representatives. Ms. Kilmartin will develop the Station's format and implement it through programming. Ms. Kilmartin also will hire the Station's local and communications counsel, accountants and consulting engineers. She will fix operating budgets, coordinate banking arrangements, and administer the day-to-day Station operation, including its technical operation. Ms. Kilmartin will coordinate the proposed Station's involvement in community organizations and charitable causes. She will direct the broadcast of public service announcements and coordinate Station access to members of the public.

Ms. Kilmartin was born in Healdsburg in 1949. From 1949 to 1971, and from 1972 to 1973, Ms. Kilmartin lived in Cloverdale, California, which is within Empire's proposed service area. From 1971 to 1972, she lived in Santa Rosa, California, which is also within Empire's service area. From approximately 1958 to approximately 1962, Ms. Kilmartin was a member of the Cloverdale Camp Fire Girl Troop. She also was a member of St. Peter's Catholic Church in Cloverdale during her years of residence there. If Empire's application is granted, Ms. Kilmartin will relocate to Healdsburg.

For about 15 years, Ms. Kilmartin has been employed by Empire Broadcasting Corporation, licensee of Station KLIV, San Jose, California and KARA(FM), Santa Clara, California. From 1975 to 1982, she was a salesperson there; since 1983, she has been Local Sales Manager of Station KARA(FM). Ms. Kilmartin holds a degree in advertising from San Jose State University.



**AFFIDAVIT OF JOANNE S. KILMARTIN**

STATE OF CALIFORNIA }

COUNTY OF }

SS.: }

Joanne S. Kilmartin, being duly sworn, deposes and says:

1. I have read the foregoing Empire Exhibit 2; it is true and correct to the best of my knowledge, information and belief.

*Joanne S. Kilmartin*  
Joanne S. Kilmartin

Subscribed and sworn  
to before me this

**ILL-PURPOSE ACKNOWLEDGMENT**

No. 5179

State of Calif.  
County of Santa Clara

On 10-1-92 before me, Valerie W. Hewlett  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

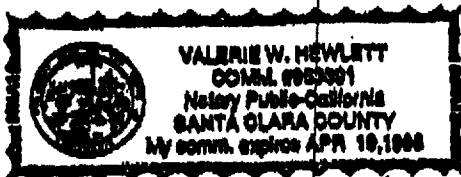
personally appeared Joanne S. Kilmartin  
NAME(S) OF SIGNER(S)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**CAPACITY CLAIMED BY SIGNER**

- ☒ INDIVIDUAL  
☐ CORPORATE OFFICER(S) \_\_\_\_\_ TITLE(S) \_\_\_\_\_  
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)



Witness my hand and official seal

*Valerie W. Hewlett*  
SIGNATURE OF NOTARY

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document.

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Number of Pages 1 Date of Document \_\_\_\_\_  
Signer(s) Other than Named Above \_\_\_\_\_

**Federal Communications Commission**

Docket No. 92-171      Eng. 10 #3

Presented by \_\_\_\_\_

Disposition      {      Identified ☒   
      {      Received ☒   
      {      Rejected \_\_\_\_\_

Reporter AW

Date 10/1/92

DIVERSIFICATION

Empire Broadcasting Corporation ("EBC"), a 51% stockholder of Healdsburg Empire Corporation, is licensee of Station KLIV, San Jose, California, and Station KARA(FM), Santa Clara, California. EBC's officers, directors and 10% or greater stockholders are:

Rodney J. Diridon  
Director

Robert S. Kieve  
President/Director - 51.21% stockholder

Myron S. Lewis  
Director

Vincent A. Lopopolo  
Executive Vice President/Director - 10.53% stockholder

John McLeod  
Vice President/Programming

John A. Palvino  
Director

Joseph Zukin, Jr.  
Director

John A. Palvino is a 28% shareholder, officer and director of the Lincoln Group, Ltd., licensee of Stations WVOR-FM and WHAM-AM, Rochester, New York, and of WBUF-FM in Buffalo; Joseph Zukin, Jr., through a variety of vehicles, owns more than 50% of Meadow Pacific Corporation, which owns all of the issued and outstanding stock of Kern Broadcasting, Inc., licensee of Stations KGEO(AM) and KGFM(FM) in Bakersfield, California.

**AFFIDAVIT OF JOANNE S. KILMARTIN**

STATE OF CALIFORNIA  
COUNTY OF

ss.: }

Joanne S. Kilmartin, being duly sworn, deposes and says:

1. I have read the foregoing Empire Exhibit 3; it is true and correct to the best of my knowledge, information and belief.

  
Joanne S. Kilmartin

Subscribed and sworn  
to before me this

**ALL-PURPOSE ACKNOWLEDGMENT**

No. 9179

State of Calif  
County of Santa Clara

On 10-1-92 before me, Valerie W. Hewlett,  
DATE NAME, TITLE OF OFFICER - E.G., JUDGE, NOTARY PUBLIC

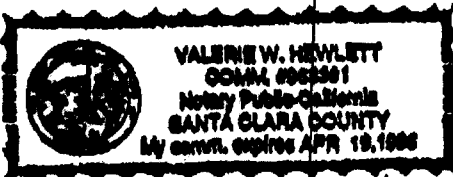
personally appeared Joanne S. Kilmartin,  
NAME OF SIGNER

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**CAPACITY CLAIMED BY SIGNER**

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☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(ES)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Witness my hand and official seal.

  
SIGNATURE OF NOTARY

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Signer(s) Other than Named Above \_\_\_\_\_

<b>Federal Communications Commission</b>	
Docket No. <u>92-181</u>	Exhibit No. <u>Exhibit #4</u>
Presented by _____	
Disposition	<input checked="" type="checkbox"/> <u>92A</u> <input type="checkbox"/> <u>985</u> <input type="checkbox"/> <u>985</u>
Reporter	<u>acc</u>
Date	<u>10/1/92</u>

AUXILIARY POWER

Healdsburg Empire Corporation will install auxiliary generators at its studio and transmitter sites to provide an alternate source of electric power in the event of a malfunction in the proposed Station's usual source of electric power.

**AFFIDAVIT OF JOANNE S. KILMARTIN**

STATE OF CALIFORNIA  
COUNTY OF

SS.:

Joanne S. Kilmartin, being duly sworn, deposes and says:

1. I have read the foregoing Empire Exhibit 4; it is true and correct to the best of my knowledge, information and belief.

  
Joanne S. Kilmartin

Subscribed and sworn  
to before me this

**PURPOSE ACKNOWLEDGMENT**

No. 5179

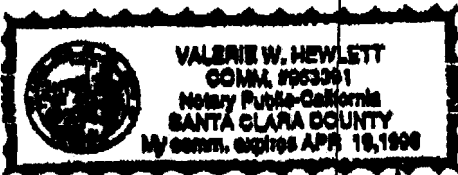
State of Calif  
County of Santa Clara  
On 10-1-92 before me, Valerie W. Hewlett  
DATE NAME, TITLE OF OFFICER - E.G., JANE DOE, NOTARY PUBLIC  
personally appeared Joanne S. Kilmartin  
NAME OF SIGNER(S)

**CAPACITY CLAIMED BY SIGNER**

- ☒ INDIVIDUAL  
☐ CORPORATE OFFICER(S) \_\_\_\_\_ TITLE(S) \_\_\_\_\_  
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Witness my hand and official seal.

  
SIGNATURE OF NOTARY

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Signer(s) Other than Named Above \_\_\_\_\_